

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDREW CORZO, et al., individually and on behalf of all others similarly situated, <i>Plaintiffs,</i> v. BROWN UNIVERSITY, et al., <i>Defendants.</i>	Case No. 1:22-cv-00125 Hon. Matthew F. Kennelly
--	--

**JOINT MOTION TO REVISE CERTAIN BRIEFING DEADLINES AND FOR
CLARIFICATION OF THE COURT’S NOVEMBER 20 ORDER (ECF 745)**

This Motion requests modification of the intermediate class certification and *Daubert* briefing deadlines and seeks clarification of the page limits for *Daubert* motion briefing, as set forth below.

I. Briefing Deadlines

In the Joint Status Report filed on November 19, 2024, Defendants submitted an unopposed request that their deadline for responding to Plaintiffs’ motion for class certification be extended by one month, and that Plaintiffs’ reply deadline likewise be extended by one month. This request arose because of an anomaly Defendants identified in the case calendar that is a holdover from a previous schedule under which Defendants’ 4-week opposition period included no holidays while Plaintiffs’ nearly-8-week reply period included the Thanksgiving and December holidays; the currently existing schedule is reversed: Defendants’ 4-week opposition period spans the December holidays, and Plaintiffs’ nearly-8-week reply period does not. Perhaps because the schedule proposed on November 19, 2024, would have extended the date of the final brief beyond the current deadline of March 7, 2025, to April 7, 2025, the Court denied

Defendants' request. *See* Dkt. 745. In recognition of the Court's previous statements that it would not entertain future requests for extensions of the overall case schedule and to address unintended burdens on all Parties owing to short briefing periods spanning the holidays, the Parties hereby respectfully submit this Joint Motion to request that the Court modestly adjust the intermediate class certification and *Daubert* briefing deadlines, while leaving all other deadlines in place and causing no overall delay.

By way of background, in the original case management order (Dkt. 195), the only briefing that was scheduled to take place over the holidays was Plaintiffs' reply in support of class certification. In recognition of the holidays, the Parties agreed to include in the schedule additional time for Plaintiffs to draft that brief: Plaintiffs' class certification motion was due October 18, 2024; Defendants' opposition deadline was November 15, 2024 (4 weeks later); and Plaintiffs' reply deadline was January 8, 2025 (nearly 8 weeks later). Dkt. 195. Plaintiffs later sought an extension of the discovery deadline and all following deadlines, *see* Dkt. 499, and the Court shifted all deadlines back by roughly 49 days, Dkt. 544. Under the schedule as then revised, the briefing that would be taking place during the holiday season would be Defendants' opposition to class certification and both sides' oppositions to one another's *Daubert* motions—yet the unusual allocation of time agreed to in the original case management order remained unchanged, with the schedule allotting 4 weeks over the holidays for Defendants to draft their opposition to class certification and for the Parties to draft *Daubert* oppositions, followed by nearly 8 weeks from mid-January to early March for Plaintiffs to draft their class certification reply.

Under the schedule the Parties propose today, all briefing would conclude by the date set forth in the current schedule; only intermediate deadlines would be adjusted. This would ensure

that Defendants have adequate time to respond to Plaintiffs’ class certification motion and all Parties have adequate time to respond to one another’s *Daubert* motions, even with the briefing periods for those responses spanning the holidays—while the overall case schedule would remain unchanged:

<u>EVENT</u>	<u>CURRENT DEADLINE</u>	<u>PROPOSED DEADLINE</u>
Motion for Class Certification and <i>Daubert</i> Motions	December 16, 2024	Unchanged
<i>Daubert</i> Oppositions	January 13, 2025	January 24, 2025
Class Certification Opposition	January 13, 2025	January 31, 2025
<i>Daubert</i> Replies	February 18, 2025	February 25, 2025
Class Certification Reply	March 7, 2025	Unchanged

II. Clarification of the Court’s November 20 Order (Dkt. 745)

In the November 19 Joint Status Report, the Parties provided the Court with their proposal on *Daubert* page limits. Defendants understood that proposal to embody an agreement between the Parties that as to each expert, a *Daubert* motion (if any) would be limited to 25 pages, an opposition would be limited to 25 pages, and a reply would be limited to 15 pages; Plaintiffs did not focus on whether these limits would apply to each expert individually or to all experts collectively. Defendants understood the Court’s November 20 order (ECF 745) stating that it had “reviewed the parties’ joint status report” and “approved” the Parties’ proposal as implementing the per-expert limits Defendants had agreed to; Plaintiffs understood the plain language “in the aggregate” in Your Honor’s November 20 Order to mean collectively. The Parties therefore have differing understandings of the Court’s order and jointly request that the Court clarify its intent.

If the Court's intent was to impose page limits applicable to all experts collectively, then Defendants would ask that the Court set higher page limits to account for the significance of this case and the scope of the opinions being offered—each side has identified four retained experts, and the experts on each side have given dozens of hours of testimony and provided numerous reports spanning hundreds of pages on a vast array of topics. Defendants would therefore respectfully request that the Court adopt higher aggregate page limits for Daubert briefing in light of the magnitude of this case: 60 pages for each side's omnibus opening Daubert brief covering all experts they seek to challenge, 60 pages for each side's omnibus opposition brief, and 40 pages for each side's omnibus reply. Plaintiffs do not oppose this request.

Dated: December 3, 2024

By: /s/ Edward J. Normand
Devin "Vel" Freedman
Edward J. Normand
Richard Cipolla
Joseph Delich
Peter Bach-y-Rita
FREEDMAN NORMAND
FRIEDLAND LLP
10 Grand Central
155 E. 44th Street, Suite 905
New York, NY 10017
Tel.: 646-350-0527
vel@fnf.law
tnormand@fnf.law
rcipolla@fnf.law
jdelich@fnf.law
pbachyrita@fnf.law

Ivy Ngo
FREEDMAN NORMAND
FRIEDLAND LLP
1 SE 3d Avenue, Suite 1240
Miami, FL 33131
Tel: 786-924-2900
ingo@fnf.law

Respectfully Submitted,

By: /s/ Norman Armstrong
Norman Armstrong
KIRKLAND & ELLIS LLP
1301 Pennsylvania Avenue, NW
Washington, D.C. 20004
Tel.: 202-389-3180
norman.armstrong@kirkland.com

Emily T. Chen
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Tel.: 212-341-7458
emily.chen@kirkland.com

Daniel E. Laytin
KIRKLAND & ELLIS LLP
300 N La Salle Dr.
Chicago, IL 60654
Tel.: 312-862-2000
daniel.laytin@kirkland.com

Counsel for Defendant Cornell University

/s/ Robert D. Gilbert

Robert D. Gilbert
Elpidio Villarreal
Robert S. Raymar
David Copeland
Natasha Zaslove
GILBERT LITIGATORS &
COUNSELORS, P.C.
11 Broadway, Suite 615
New York, NY 10004
Phone: (646) 448-5269
rgilbert@gilbertlitigators.com
pdvillarreal@gilbertlitigators.com
rraymar@gilbertlitigators.com
dcopeland@gilbertlitigators.com
nzaslove@gilbertlitigators.com

/s/ Eric L. Cramer

Eric L. Cramer
Ellen T. Noteware
David Langer
Jeremy Gradwohl
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Tel.: 215-875-3000
ecramer@bm.net
enoteware@bm.net
dlanger@bm.net
jgradwohl@bm.net

Richard Schwartz
BERGER MONTAGUE PC
1720 W Division
Chicago, IL 60622
Tel: 773-257-0255
rschwartz@bm.net

Daniel J. Walker
Robert E. Litan
Hope Brinn
BERGER MONTAGUE PC
1001 G Street, NW, Suite 400 East
Washington, DC 20001
Tel.: 202-559-9745
rlitan@bm.net

By: /s/ Britt M. Miller

Britt M. Miller
Daniel T. Fenske
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606
Tel.: 312-783-0600
bmiller@mayerbrown.com
dfenske@mayerbrown.com

Counsel for Defendant Georgetown University

By: /s/ Jan Rybnicek

Eric Mahr
Jan Rybnicek
Daphne Lin
FRESHFIELDS US LLP
700 13th Street, NW
Washington, DC 20005
Tel.: 202-777-4500
eric.mahr@freshfields.com
jan.rybnicek@freshfields.com
daphne.lin@freshfields.com

Counsel for Defendant Massachusetts Institute of Technology

By: /s/ Robert A. Van Kirk

Robert A. Van Kirk
Jonathan B. Pitt
Sarah F. Kirkpatrick
Matthew D. Heins
Cole T. Wintheiser
WILLIAMS & CONNOLLY LLP
680 Maine Avenue SW
Washington, D.C. 20024
Tel.: 202-434-5000
rvankirk@wc.com
skirkpatrick@wc.com
jpitt@wc.com
mheins@wc.com
cwintheiser@wc.com

James Peter Fieweger
MICHAEL BEST & FRIEDRICH LLP
444 West Lake Street

dwalker@bm.net
hbrinn@bm.net

Counsel for Plaintiffs

Suite 3200
Chicago, IL 60606
Tel.: 312-222-0800
jpfieweger@michaelbest.com

*Counsel for Defendant University of Notre
Dame du Lac*

By: /s/ Seth Waxman
Seth Waxman
WILMER CUTLER PICKERING HALE AND
DORR LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
Tel.: 202-663-6800
seth.waxman@wilmerhale.com

David Gringer
Alan Schoenfeld
WILMER CUTLER PICKERING HALE AND
DORR LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Tel.: 212-937-7294
david.gringer@wilmerhale.com
alan.schoenfeld@wilmerhale.com

Daniel Martin Feeney
Edward W. Feldman
MILLER SHAKMAN LEVINE & FELDMAN
LLP
30 West Monroe Street
19th Floor
Chicago, IL 60601
Tel.: 312-263-3700
dfeeney@millershakman.com
efeldman@millershakman.com

*Counsel for Defendant The Trustees of the
University of Pennsylvania*